
Public Utilities Commission of the State of California

Public Agenda 3210

Thursday, March 13, 2008 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Rachelle B. Chong

Dian M. Grueneich

Timothy Alan Simon

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, April 07, 2008 (San Francisco)	Thursday, March 13, 2008 (San Francisco)
Monday, April 21, 2008 (San Francisco)	Thursday, April 10, 2008 (San Francisco)
Monday, May 12, 2008 (San Francisco)	Thursday, April 24, 2008 (San Francisco)
Friday, May 23, 2008 (San Francisco)	Thursday, May 15, 2008 (San Francisco)
	Thursday, May 29, 2008 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 4, 20

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1
[7288] **R06-03-004 - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.**

This decision denies the petition of FuelCell Energy to raise the cap on incentives in the Self-Generation Incentive Program. The proceeding remains open.

(Comr Peevey - ALJ Duda)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Agenda 3208, Item 5 2/14/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=312995

2
[7410] **ALJ 176-3210**

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

Consent Agenda - Orders and Resolutions (continued)

- 3**
[7305] **A07-11-008 - Pacific Gas and Electric Company (PG&E).**
This decision grants PG&E a Certificate of Public Convenience and Necessity to construct and own a 230 kilovolt transmission line in the City of Hayward. The transmission line will connect to the grid a new 600 megawatt power plant owned by Russell City Energy Center LLC (RCEC). All costs to construct, operate and maintain the transmission line will be borne by RCEC. This proceeding is closed.
(Comr Simon - ALJ Kenney)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3208, Item 8 2/14/2008 (Chong);
Agenda 3209, Item 4 2/28/2008 (Staff)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320095
- 4**
[7345] **C07-05-014 - Andrade & Associates (Complainant) vs. Southern California Edison Company (Defendant).**
This decision dismisses the complaint against Defendant for failure to state a cause of action or set forth a violation of any statute, Commission order, rule or regulation. In this case, Defendant back-billed Complainant for electric bills not paid because Complainant's meter was accidentally crossed with that of another customer. This proceeding is closed.
(Comr Simon - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321016
- 5**
[7353] **Res E-4126 - Southern California Edison Company (SCE).**
This resolution approves SCE's request for two renewable portfolio standard power purchase agreements between Caithness Dixie Valley, LLC and ORNI #18, LLC. These contracts are approved without modifications. (Advice Letter (AL) 2137-E filed July 13, 2007, AL 2137-E-A filed August 16, 2007, and AL 2137-E-B filed January 10, 2008)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=316430
- 6**
[7356] **Res T-17137**
This Resolution sets the user fee for the fiscal year 2007-2008 to be paid by each video franchise holder at \$0.047 per household in its video franchise territory. This fee will generate revenue equal to the Commission's authorized budget for implementation of AB 2987, the Digital Infrastructure and Video Competition Act.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320993

Consent Agenda - Orders and Resolutions (continued)

7 **R03-08-018 - Order Instituting Rulemaking to Review Policies Concerning Intrastate**
[7361] **Carrier Access Charges.**

This decision denies the petition of AT&T, et al. for modification of D07-12-020. This proceeding is closed.

(Comr Peevey - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E10816

8 **Res ST-96**

[7373]

This resolution approves the Consumer Protection and Safety Division final audit report titled, "Triennial On-Site Safety & Security Review of the Santa Clara Valley Transportation Authority (VTA)," dated February 4, 2008. VTA is ordered to implement the recommendations contained in the report and to provide monthly progress reports.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=317246

9 **A07-03-012 - Pacific Gas and Electric Company.**

[7375]

To establish revenue requirements, rates, and terms and conditions of service for gas Transmission and storage services, for the Period 2008-2010. This decision awards The Utility Reform Network \$47,984.00 in compensation for its substantial contributions to Decision 07-09-045.

This proceeding is closed.

(Comr Simon - ALJ Wong)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=311758

10 **A07-07-018 - PacifiCorp.**

[7376]

For a Permit To Construct the Morrison Creek Project Pursuant to General Order 131-D. The Commission grants the request of PacifiCorp for a permit to construct the Morrison Creek Substation, a 69 kilovolts (kV) to 12.5 kV distribution substation, as a replacement to the existing Simonson Substation, which is also a 69 kV to 12.5 kV distribution substation, and for authority to remove the Simonson Substation upon completion of the Morrison Creek Substation, consistent with the Final Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act. This proceeding is closed.

(Comr Grueneich - ALJ Yacknin)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=315663

Consent Agenda - Orders and Resolutions (continued)

- 11**
[7377] **A02-11-017 - Pacific Gas and Electric Company.**
For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. A02-09-005, I03-01-012 - Related matters. This decision awards The Utility Reform Network \$317,900.58 in compensation for its substantial contributions to Decision 07-09-041. This proceeding is closed.
(Comr Peevey - ALJ Yacknin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=308508
- 12**
[7396] **Res T-17136 - SureWest Telephone.**
This resolution approves an Interconnection Agreement between SureWest Telephone and Sprint Communications Company L.P., pursuant to Section 252 of the Telecommunications Act of 1996.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318279
- 13**
[7398] **Res T-17135 - AT&T California.**
This resolution approves an Interconnection Agreement between AT&T California and Paxio, Inc., pursuant to Section 252 of the Telecommunications Act of 1996.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318282
- 14**
[7401] **C06-10-023 - Utility Consumers' Action Network (Complainant) vs. MCI Communication Services, Inc., dba WorldCom LLC and related entities collectively "MCI" (Defendants).**
This decision extends the 12-month statutory deadline in this proceeding.
(Comr Chong - ALJ Reed)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=317673
- 15**
[7405] **A08-01-006 - CUSA CC, LLC (Applicant).**
This decision authorizes Applicant to abandon its passenger stage corporation service between Los Angeles and San Diego, and to discontinue the stop at Millbrae on its Los Angeles to San Francisco service. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318821

Consent Agenda - Orders and Resolutions (continued)**16** **C07-03-026 - California Building Industry Association (Complainant) vs. Southern California Edison Company (Defendant).**
[7406]

This decision, pursuant to Pub. Util. Code § 1701.2(d), extends the 12-month deadline applicable to this adjudicatory proceeding from March 27, 2008 until September 26, 2008.

(Comr Simon - ALJ McKenzie)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318080

17 **R_____ - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.**
[7408]

This order initiates a rulemaking to continue work from Rulemaking 06-03-004 related to policies, rules and implementation of the California Solar Initiative, the Self-Generation Incentive Program, and general issues relating to distributed generation.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320294

18 **Res W-4678 - North Gualala Water Company (NGWC).**
[7409]

This resolution grants NGWC authority to borrow \$100,000, under the Safe Drinking Water State Revolving Fund loan Program; encumber assets in connection with the loan; and institute a surcharge to pay off the loan.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=305001

19 **C06-10-023 - Utility Consumers' Action Network (Complainant) vs. MCI Communication Services, Inc., dba WorldCom LLC and related entities collectively**
[7418]

This decision grants the joint motion for adoption of the uncontested settlement agreement by Complainant and Defendants, and approves the settlement. The proceeding is closed.

(Comr Chong - ALJ Reed)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318022

Consent Agenda - Orders and Resolutions (continued)

20

[7425]

C05-03-012 - Mpower Communications Corp., nii Communications, Ltd., Blue Casa Communications, Inc., Wholesale Air-Time, Inc., Navigator Communications, LLC, Anew Telecommunications dba Call America, TCAST Communications, and CF Communications, LLC dba Telekenex (Complainants) vs, Pacific Bell Telephone Company dba SBC California (Defendants).

This decision extends the 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d).
(Comr Peevey - ALJ Reed)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=317492

Regular Agenda

Regular Agenda - Energy Orders

- 21** **A07-05-020 - Southern California Edison Company (SCE).**
[7293] This decision modifies and approves, as modified, SCE's request to conduct a study to evaluate the feasibility of a Clean Hydrogen Power Generation plant. This proceeding is closed.
(Comr Peevey - ALJ Yip-kikugawa)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3208, Item 26 2/14/2008 (Bohn);
Agenda 3209, Item 31 2/28/2008 (Grueneich)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=319315
- 22 (Rev.)** **A07-10-013 - Southern California Edison Company (SCE).**
[7325] This decision approves four SCE demand response contracts with Ancillary Services Coalition. Six other proposed demand response contracts are not approved at this time because they are not needed for planning reserve or reliability purposes and do not provide any insurance value. SCE may resubmit these six contracts in its June 1, 2008 application for 2009 through 2011 demand response programs, taking into account cost-effectiveness and other standards developed in Rulemaking 07-01-041. This proceeding is closed.
(Comr Chong - ALJ Gamson)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3209, Item 32 2/28/2008 (Staff)
03/11/2008 - This revision was not shown on the Agenda mailed to the public.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320373

Regular Agenda - Energy Orders (continued)

23

[7357]

R06-04-009 - Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies.

The California Public Utilities Commission and the California Energy Commission recommend that the California Air Resources Board (ARB) adopt a number of policies and requirements for greenhouse gas (GHG) emissions reductions from the electricity and natural gas sectors in California. For the electricity sector, the Commission recommends that all retail providers in California be required to meet specific goals for energy efficiency and renewables as determined by ARB. The Commission also recommends that the electricity sector be included a multi-sector cap-and-trade system. Any entity that delivers electricity to the California grid should be responsible for compliance with Assembly Bill (AB) 32. At this time, the Commission recommends that the natural gas sector should not be included in a multi-sector cap-and-trade system. GHG emission reductions in the natural gas sector should be achieved through the Commission's current energy efficiency programs and development of new GHG reduction programs. These recommendations should be adopted as part of ARB's scoping plan for its further work in implementing AB 32, which requires that statewide GHG emissions be reduced to 1990 levels by 2020.

(Comr Peevey - ALJ Lakritz, ALJ TerKeurst)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E10808

24

[7362]

A07-08-004 - Southern California Edison Company (SCE).

For approval of its forecast 2008 ERRA proceeding revenue requirement, to consolidate all Commission-authorized revenue requirements, and to set unbundled rate components beginning January 1, 2008. This decision grants SCE's request for a 2008 Energy Resource Recovery Account (ERRA) proceeding revenue requirement of \$4.031 billion. For SCE, this represents an increase of \$281 million from the current ERRA revenue requirement. This increase, together with changes to a number of other accounts, will result in an increase in customer rates of \$88.243 million. SCE also filed its Rate Stabilization Proposal (RSP). Consistent with the RSP, SCE has been retaining 2007 ERRA overcollections. SCE's forecasts are approved, its RSP is denied, and the 2007 ERRA overcollections totaling approximately \$430 million are ordered to be refunded to ratepayers. This proceeding is closed.

(Comr Peevey - ALJ Kolakowski)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda - Energy Orders (continued)

25 R07-09-008 - Order Instituting Rulemaking to establish the California Institute for Climate Solutions.
[7364]

This decision, by creating the California Institute for Climate Solutions (CICS), adopts a bold and innovative approach to expanding California's leadership on this most pressing of environmental issues and will provide significant ratepayer benefits by accelerating applied research and development of practical and commercially viable technologies that will reduce greenhouse gas emissions in order to slow global warming as well as technologies that will allow California to adapt to those impacts of climate change that may be inevitable. Perhaps more importantly, however, CICS will speed the transfer of these technologies from the laboratory to market place. This proceeding is closed.

(Comr Peevey - ALJ Brown)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E10835

26 I _____/R _____ - Order Instituting Investigation on the Commission's Own Motion to actively promote the development of transmission infrastructure to provide access to renewable energy resources for California. / Order Instituting Rulemaking on the Commission's Own Motion to actively promote the development of transmission infrastructure to provide access to renewable energy resources for California.
[7411]

Through this Order Instituting Investigation and Rulemaking, the Commission will continue our efforts to facilitate the development of adequate transmission infrastructure to provide access to renewable resources for California. This Investigation and Rulemaking will seek to improve transmission access to renewable energy generation, consider additional streamlining of existing regulatory processes, and serve as a forum for addressing issues identified in the California Renewable Energy Transmission Initiative that may require Commission investigation or formal decision. This Investigation and Rulemaking will build upon and coordinate with the progress made in I05-09-005, the Commission's prior proceeding devoted to promoting the development of transmission infrastructure to renewable resource areas, as well as other transmission and renewable-related proceedings, including, without limitation, I00-11-001, R04-04-026, R06-02-012 and R06-05-027.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318156

Regular Agenda - Energy Resolutions and Written Reports

27

Res E-4155 - Pacific Gas and Electric Company (PG&E).

[7355]

This resolution denies PG&E's proposal to create a Community Energy Partnership Development Program (CEP II). (Advice Letter AL 3171-E filed December 5, 2007)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321118

Regular Agenda - Water/Sewer Orders

- 28**
[7342] **A06-11-021 - California Water Service Company (CalWater).**
This decision approves CalWater's request for continuation of the moratorium in Coast Springs Water System and orders CalWater to report to the Commission on certain remedies to lift the moratorium. This proceeding is closed.
(Comr Bohn - ALJ Ebke)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320724
- 29**
[7350] **A06-12-025 - California Water Service Company (CalWater).**
For authorization to increase water rates to fully fund its retiree healthcare plan commonly referred to as a 'Postretirement Benefits other than Pension' (PBOP) plan and to adopt a change in accounting as proposed by CalWater for ratemaking. This decision authorizes CalWater to recover over a 15-year period its regulatory asset for PBOP. The amount of regulatory asset is \$9.87 million. This proceeding is closed.
(Comr Bohn - ALJ Kenney)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=317373
- 30**
[7365] **A07-01-036 - California-American Water Company (Cal-Am).**
To Decrease Revenues for Water Service in its Coronado District by (\$73,100) or (0.46%) in 2008, and Increase Revenues by \$266,200 or 1.67% in 2009, and \$260,900 or 1.61% in 2010.
A07-01-037, A07-01-038, A07-01-039 - Related matters. This decision resolves the revenue requirement phase of the general rate case application of Cal-Am for its Coronado and Village districts.
(Comr Bohn - ALJ Rochester)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=316250

Regular Agenda - Legal Division Matters**31**

[7369]

Res L-358

This draft resolution responds to subpoena for 26 accident reports sent by San Francisco Muni to the Commission in accord with the requirements of General Order 164-D.

Agenda 3209, Item 39 2/28/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=319650

32

[7416]

WC Docket No. 07-273

In the Matter of Petition of Verizon for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements. The FCC seeks comment on Verizon's petition for forbearance from certain reporting requirements. Staff is requesting authority to file comments.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320625

Regular Agenda - Legislative and Other Matters

- 33** **AB 660 (Galgiani)**
[7388] Railroad-highway grade separations.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320697
- 34** **AB 811 (Levine)**
[7389] Contractual assessments: energy efficiency improvements.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320579
- 35** **AB 873 (Davis)**
[7391] Public utilities: procurement.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320543
- 36** **AB 1755 (Fuentes)**
[7392] Electricity: rates: transmission assets.
- 37** **AB 1763 (Blakeslee)**
[7393] Energy.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320607
- 38** **AB 1845 (Duvall)**
[7394] Railroad-highway grade separations.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320546
- 39** **SB 780 (Wiggins)**
[7395] Telecommunications: universal service.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320589
- 40** **SB 1144 (Cox)**
[7397] Telecommunications: universal service: California High-Cost Fund-A program.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320601
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Regular Agenda - Legislative and Other Matters (continued)

41

SB 1149 (Wiggins)

[7399]

Telecommunications: grants to areas not served by local exhcnage carrers.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320604

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

42

General Counsel's Report

[7421]

Discussion and action regarding March 2008 Addendum to Summary of Material Terms of DWR Financing Documents; to provide for refinancing of a portion of DWR's Power Supply Revenue Bonds.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing

43

[7378]

Conference with Legal Counsel - Applications for Rehearing

Compilation of applications for rehearing recently filed with the Commission.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

44

[7400]

A08-01-015 - Conference with Legal Counsel - Applications for Rehearing

Disposition of Application for Rehearing of Resolution E-4133 (Resolution) filed by Pacific Gas and Electric Company. The Resolution applies to the San Joaquin Valley Power Authority, as the first Community Choice Aggregator to register in California in connection with the program authorized by Assembly Bill 117. In particular, the Resolution approved a \$100,000 interim bond for purposes of the registration requirement under Public Utilities Code section 394.25(e).
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

45 (Rev.)

[7417]

A99-09-053 - Conference with Legal Counsel - Applications for Rehearing

Disposition of Applications for Rehearing of Decision (D.) 07-12-004 filed by the Friends of the Eel River and California Sportfishing Protection Alliance (Conservation Groups). Decision 07-12-004 awarded Conservation Groups \$77,671.48 in compensation for their substantial contributions to D.07-04-011. This award is approximately \$10,000.00 less than the amount requested because the lead attorney's hourly rate was not escalated to the level sought by intervenors and because only two thirds of the 75+ hours claimed for preparation of compensation pleadings was allowed. Gov. Code section 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

03/04/2008 - This revision was not shown on the Agenda mailed to the public.

Closed Session - Applications for Rehearing (continued)

46

C06-03-013 - Conference with Legal Counsel - Applications for Rehearing

[7419]

Disposition of the application for rehearing of Decision (D.) 07-07-013 filed by Fones4All Corporation ("Fones4All") and the request for a stay of D.07-07-013 also filed by Fones4All. In D.07-07-013 the Commission granted a complaint filed by Pacific Bell Telephone Company, which does business under the name AT&T California ("AT&T"), and ordered Fones4All to refund certain monies to AT&T. AT&T filed responses to the application for rehearing and to the request for stay.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.

47

[7299]

I _____ - Conference with Legal Counsel - Initiation of Litigation

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Agenda 3207, Item 35 1/31/2008 (Staff);

Agenda 3209, Item 42 2/28/2008

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Existing Litigation - Non-Federal

48 **Enderby v. CPUC, Superior Court of the State of California, County of San Francisco, Case**
[7413] **No. CGC-07-464877 - Conference with Legal Counsel - Existing Litigation**

Enderby v. CPUC, Superior Court of the State of California, County of San Francisco, Case No. CGC-07-464877.

49 **Naidu v. CPUC, Superior Court of the State of California, County of San Francisco, Case**
[7414] **No. CGC-05-444782 - Conference with Legal Counsel - Existing Litigation**

Naidu v. CPUC, Superior Court of the State of California, County of San Francisco, Case No. CGC-05-444782.

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal**50**

[7382]

FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

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[7415]

Hines v. CPUC et al., United States District Court, Northern District of California, San Francisco Division, Case No. C 07-04145-CW - Conference with Legal Counsel - Existing Litigation

Hines v. CPUC et al., United States District Court, Northern District of California, San Francisco Division, Case No. C 07-04145-CW.

Closed Session - FERC Docket No. EL00-95-000, et al.

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session